

Topics from Deputy Secretary of Defense Memo, "Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations," signed November 10, 2021. Available at www.sapr.mil/policy.

TOPIC: Prevention and Training Requirements

Alignment with other of Issuances

DoD Components will align all SAPR-related prevention efforts with the Department of Defense Instruction 6400.09, "DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm," September 11, 2020, and training efforts with Department of Defense Instruction 6495.02, Volume 2, "Sexual Assault Prevention and Response (SAPR) Program Procedures: Education and Training," April 9, 2021.

Responsibilities of the Secretaries of the Military Departments

Enclosure 2 of 6495.02, volume 1, is revised as follows:

6. Secretaries of the Military Departments. The Secretaries of the Military Departments shall:

- bc. In accordance with this Instruction, require Commanders at every level to receive training so Commanders can explain to their subordinates what is *the appropriate, professional response by the chain of command at every level (officer and enlisted) and by peers to a victim (Use of the term "victim(s)" or "survivor(s)" refers to individuals who report a sexual assault allegation.* It is not intended to presume the guilt or innocence of an alleged offender) and an alleged offender when an alleged sexual assault is reported in a unit, and that incidents of Retaliation, reprisal, ostracism, and maltreatment violate good order and discipline, erode unit cohesion, and deter reporting of alleged sexual assault incidents. Commanders shall be provided scenarios to facilitate discussion of appropriate behavior, to include mitigating potential resentment of peers towards victims, bystanders, or witnesses who report a sexual assault. Commanders shall also receive training to be able to explain to all personnel in their respective chains of command -- officer and enlisted -- that when they become aware of allegations of Retaliation, reprisal, ostracism, or maltreatment, they are required to take appropriate measures to protect the individual who reported the allegation(s). Commanders shall receive training so they also can explain how to prevent Retaliation, reprisal, ostracism, and maltreatment in a unit after a report of an alleged sexual assault.
- bd. Direct installation and senior commanders to publicize, by all means available, how to report a sexual assault allegation, and how to seek assistance for a sexual assault, including associated reports of Retaliation at their locations. This effort shall include publicizing the availability of resources **outside a victim's immediate chain of command** (i.e., installation Sexual Assault Response Coordinator (SARC); Sexual Assault Prevention and Response (SAPR) victim advocates (VAs); DoD Safe Helpline). Information regarding sexual assault reports and associated reports of Retaliation will only be disclosed to personnel with an official need to know or as authorized by law.
- be. Direct that officer and enlisted leaders (including first-line supervisors) encourage reporting of sexual assault in accordance with DoD policy, as well as reporting of allegations of retaliation in accordance with DoD and Service guidance.
- bf. Direct that officers, enlisted leaders, military law enforcement to include Military Criminal Investigative Organizations (MCIOs) investigators, and SARCs and SAPR VAs receive updated information on the changes to eligibility for Restricted Reporting in this policy, including:

- (1) That victims may elect to make a Restricted Report of sexual assault at all times, except where the victim reported the incident to law enforcement, to include MCIOs, themselves or previously filed an Unrestricted Report with a signed DD Form 2910 for the same incident.
- (2) That a victim can file a Restricted Report **even if** the allegation has been inadvertently or previously disclosed to command by the victim, suspect, or third party; the matter has been reported to law enforcement, to include MCIOs, by anyone other than the victim; or an investigation is initiated, in progress, or closed.
- (3) A victim's election to make a Restricted Report does not preclude command or the MCIO from conducting an investigation of sexual assault. Information provided by the victim or obtained from the victim (including the sexual assault forensic examination), the SARC, SAPR VA, or healthcare shall remain confidential and not be disclosed to military law enforcement (to include MCIOs) or command, unless an exception to Restricted Reporting applies, in accordance with Enclosure 4 of this instruction.